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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/716,288	11/18/2003	Sathish Kumar	15141US02	6074
23446 7590 07/31/2008 MCANDREWS HELD & MALLOY, LTD 500 WEST MADISON STREET SUITE 3400 CHICAGO, IL 60661				
EXAMINER AN, SHAWN S				
ART UNIT 2621		PAPER NUMBER		
MAIL DATE 07/31/2008		DELIVERY MODE PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/716,288

**Applicant(s)**

KUMAR ET AL.

**Examiner**

SHAWN AN

**Art Unit**

2621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 08 July 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 8-14 is/are allowed.
- 6) ☒ Claim(s) 1-7, 15 and 16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/CDC)
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date: \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_
- Paper No(s)/Mail Date: \_\_\_\_\_

## **DETAILED ACTION**

### ***Request for Continued Examination***

1. The request filed on 7/08/08 for a Request for Continued Examination (RCE) under 37 CFR 1.114 based on parent Application No. 10/716,288 is acceptable and a RCE has been established. An action on the RCE follows.

### ***Response to Amendment***

2. As per Applicant's instructions as filed on 7/08/08, claims 1, 4, 8, 11, and 15 have been amended, and claim 16 has been newly added.

Furthermore, after scrutiny of the Applicant's invention, it has been found that the Examiner's 35 USC 101 rejection as filed on 10/16/07, of which Applicant has amended claims to overcome the rejection, is incorrect. Applicant's invention does not contain a computer readable medium and computer executable instructions, but rather an instruction memory for storing a plurality of executable instructions and a processor for executing the plurality of executable instructions as properly claimed as filed on 11/18/03.

Therefore, the Examiner withdraws the previously rejected (under 35 USC 101 ) claims, and requests to the Applicant to amend the corresponding independent claims 1, 14, and 15 in such a way to correctly represent the instruction memory for storing a plurality of executable instructions and the processor for executing the plurality of executable instructions, very much the same as the recited "an instruction memory ...; a processor for ..., instructions causing:" claims as originally filed on 11/18/03.

The Examiner sincerely apologizes for the inconvenience the previously rejected 35 USC 101 rejection and the subsequent correction (for the following 35 USC 112 rejection) would have caused.

***Response to Remarks***

3. Applicant's remarks with respect to amended claims as filed on 7/08/08 have been carefully considered and agreed with the exception of amended claim 15.  
Please refer to the following new ground(s) of rejection for amended claim 15.

***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. Independent claims 1, 4, and 15, and dependent claims 2-3, 5-7, and 16 (by virtue of their dependencies) are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The independent claim(s) contain subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

On claims 1, 4, and 15, the recited "a computer readable medium storing computer executable instructions;" and the recited "..., the computer executable instructions, the execution of the computer executable instructions causing:" do not seem to have any support in the Applicant's specification(s) and drawings.

Therefore, correction(s) are required to overcome the above rejection.

**Note:** merits of claims 1, 4, and 15 will be examined.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Inoue (5,920,352) in view of Kadono (6,836,273 B1).

**Regarding claim 15**, Inoue discloses a circuit for decoding video data, said circuit comprising:

storing a first macroblock row of a first frame in a first one (first channel) or more rows of memory (Fig. 2B, 220A; Fig. 3A, 212, Channel A; Fig. 4B, Row0);

storing a first macroblock row of a second frame in a second one or more rows (second channel) of memory (Fig. 2B, 220B; Fig. 3A, 212, Channel B; Fig. 4B, Row136)(col. 9, lines 7-52);

storing a first macroblock row of a third frame in a third one or more rows (third channel) of memory (Fig. 2B, 220B; Fig. 3A, 212, Channel C; Fig. 4B, Row 272)(col. 9, lines 7-52), the third one or more rows of memory being continuous (Fig. 4B), Row 272-Row 339);

providing a particular one of the macroblocks of either the first frame or the second frame upon receiving a request for the particular one of the macroblocks (col. 4, lines 1-12);

a particular one of the first one (Row0) or more rows of memory is adjacent to a particular one of the second one or more rows (Row136) of memory (Fig. 3A, 212, Channel A adjacent to Channel B);

a particular one of the third one or more rows (Row 272) of memory is adjacent to another particular one of the second one or more rows of memory (Fig. 3A, 212, Channel C adjacent to Channel B);

a particular one of the fourth one (R273) or more rows of memory is adjacent to another particular one of the third one or more rows of memory (Fig. 3A, 212, Channel C; Fig. 4B, Row 272).

All of the claimed features have been met with the exception of a computer readable memory for storing..., and a processor for executing ....

However, Kadono teaches image decoding method and providing memory management program storage medium which can increase the efficiency of the memory bank and greatly reduce the risk of erasure of the frame data for decoding (col. 6, lines 28-45).

Kadono also teaches a diagram for explaining a storage medium which contains program for implementing the memory management method and image decoding method by a computer system (Figs. 14a-14c).

Therefore, it would have been considered obvious to one of skill in the art employing Inoue's method for decoding video data to incorporate Kadono's teachings as above so that the instruction memory stores a plurality of executable instructions, and the processor executes the plurality of executable instructions, wherein the execution of the plurality of executable instructions causing to perform Inoue's method for decoding video data as discussed above, thereby increasing the efficiency of the memory bank and greatly reducing the risk of erasure of the frame data for decoding.

#### ***Allowable Subject Matter***

8. Claims (1-7 and 16 (contingent upon overcoming 35 U.S.C. 112 rejection as discussed above)), and 8-14 are allowed.

9. **Independent claims 1, 4, 8, and 11** are allowed as having incorporated allowable subject matter (amended novel feature(s)).

The prior art of record fails to anticipate or make obvious the amended novel feature(s) as specified in claims 1, 4, 8, and 11.

Accordingly, if rejected claims are canceled, the application would be placed in condition for allowance.

#### ***Conclusion***

10. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to *Shawn An* whose telephone number is 571-272-7324.

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**11.** The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

**12.** Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/SHAWN AN/

Primary Examiner, Art Unit 2621

7/29/08

